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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MILTON K. KAOPUA,	)	CIVIL NO. 04-00723 JMS-KSC
	)	
Plaintiff,	)	DEFENDANT'S MOTION TO DISMISS,
	)	OR IN THE ALTERNATIVE, FOR
vs.	)	SUMMARY JUDGMENT; TABLE OF
	)	CONTENTS; TABLE OF
Federal Fire Department;	)	AUTHORITIES; MEMORANDUM IN
GORDON R. ENGLAND, Acting	)	SUPPORT OF DEFENDANT'S MOTION
Secretary, Department of the	)	TO DISMISS, OR IN THE
Navy,	)	ALTERNATIVE, FOR SUMMARY
	)	JUDGMENT; CERTIFICATE OF
Defendants.	)	SERVICE
	)	
	)	
	)	

DEFENDANT'S MOTION TO DISMISS, OR IN  
THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Pursuant to Rules 12(b) and 56(b) of the Federal Rules of Civil Procedure, Defendants, by and through its attorneys, Edward H. Kubo, Jr., United States Attorney for the District of Hawaii and R. Michael Burke, Assistant United States Attorney, hereby moves this court to dismiss plaintiff's complaint herein, with prejudice or, in the alternative, for summary judgment in its

favor as to all allegations of plaintiff's complaint. This motion is based upon the pleadings herein, the record to date, and the memorandum of law attached hereto and made a part hereof.

DATED: March 15, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

/s/ R. Michael Burke  
By \_\_\_\_\_  
R. MICHAEL BURKE  
Assistant U.S. Attorney

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MILTON K. KAOPUA,	)	CIVIL NO. 04-00723 JMS-KSC
	)	
Plaintiff,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
Federal Fire Department;	)	
GORDON R. ENGLAND, Acting	)	
Secretary, Department of the	)	
Navy,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
_____	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served upon the following at their last known address:

Served Electronically through CM/ECF:

ELBRIDGE W. SMITH shlaw@hawaii.rr.com

March 15, 2006

DATED: March 15, 2006, at Honolulu, Hawaii.

/s/ Myra Peterson

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